



Kentucky Board of Medical Licensure Newsletter

Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222
Phone: (502) 429-7150 Fax: (502) 429-7158 Website: www.kbml.ky.gov

Winter 2014

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Concerns Regarding the Approval of Zohydro by the FDA

By: Gregory L. Jones, MD, ABAM, ABFM

Medical Director, Kentucky Physicians Health Foundation

In early November, the Food and Drug Administration (FDA) made headlines by elevating the controlled substance schedule for Hydrocodone combination products from schedule III drugs to schedule II drugs. This reclassification was approved following multiple recommendations from outside experts, as well as advice of the FDA's own expert panel.

In the midst of the press coverage surrounding this change the FDA made another decision that went largely unnoticed. Shortly after the decision to step up the scheduling for products containing Hydrocodone, the FDA, against the advice of its own panel of experts, approved a new formulation of Hydrocodone known as Zohydro.

Zohydro is an extended release, single entity opiate. Its matrix-based technology does not contain abuse deterrence, which means that if the drug is chewed or crushed the user can release the full dose of Hydrocodone immediately. Depending on the dosage, this drug contains anywhere between 10 to 50 mg of Hydrocodone. This type of single entity opiate and its delivery system is very familiar to most physicians in Kentucky, who have witnessed firsthand the impact of prescription drug abuse, dependence and death on our citizens.

While I don't believe that abuse deterrent technology is as effective as the marketers would have us believe, it does appear to make an impact on the prescribing patterns of physicians. I believe it also has an effect on the availability and demand for abuse deterrent formulations by those who divert and traffic prescription drugs.

Zohydro will become available in Kentucky either late this year or early next year. I encourage all prescribers to educate themselves fully regarding the risk associated with prescribing this medication. While the FDA has required extensive black box warnings, such warning labels have not prevented extensive prescribing of similar medications in the past.

Additional surveillance and tracking of the prescribing pattern for this medication is certainly warranted.

Board Orders can be viewed under the Physician Profile/
Verification of License link on the Board's website at
www.kbml.ky.gov

Board Actions Report (Actions taken since 10/01/13)

Atley D. Adkins, M.D., Pikeville, KY, License # 21618

Order of Revocation issued 10/24/13, effective 11/27/13.

John R. Baird, M.D., Louisville, KY, License # 36869

Agreed Order of Indefinite Restriction entered into
10/17/13.

Lee A. Balaklaw, M.D., Louisa, KY, License # 29892

Agreed Order of Permanent Surrender entered into
10/15/13.

Bal K. Bansal, M.D., Ashland, KY, License # 22004

Agreed Order of Indefinite Restriction entered into
12/19/13.

Allen R. Bond, M.D., Lexington, KY, License # 25926

Amended Agreed Order entered into 11/18/13.

Edwin T. Brott, M.D., Ashland, KY, License # 31144

Order Terminating Amended Agreed Order issued
10/24/13.

C. Biliston Clarke, M.D., Tampa, FL, License # 44492

Agreed Order of Reprimand and Fine entered into
12/19/13.

Leslie G.M.V. Dally, D.O., Paintsville, KY, License # 03348

Agreed Order of Indefinite Restriction entered into
10/15/13.

Joseph F. Daugherty, III, M.D., Park Hills, KY, License # 22022

Third Amended Agreed Order of Probation entered
into 11/06/13.

Anthony A. deGuzman, M.D., Paintsville, KY, License # 31110

Agreed Order of Indefinite Restriction entered into
11/12/13.

Violeta M. De Jesus, M.D., Anaheim, CA, License # 42337

Agreed Order of Indefinite Restriction entered into
11/12/13.

Jason R. Deskins, D.O., Louisa, KY, License # 03210

Third Amended Agreed Order entered into 12/16/13.

Linda S. Fagan, M.D., Naples, FL, License # 14514

Agreed Order of Surrender entered into 12/03/13,
effective 12/03/13.

William T. Gaunt, M.D., Pikeville, KY, License # 36341

Order Terminating Amended Agreed Order of Indefinite
Restriction issued 11/07/13.

Thomas M. Hall, M.D., Owingsville, KY, License # 17726

Amended Agreed Order entered into 12/20/13.

Robert B. Hays, PA-C, Lexington, KY, License # PA532

Agreed Order entered into 12/19/13.

Kenneth E. Hines, M.D., Lawrenceburg, KY, License # 16365

Agreed Order of Indefinite Restriction entered into
10/07/13.

James K. Holbrook, M.D., Corbin, KY, License # 27278

Agreed Order of Indefinite Restriction entered into
11/12/13.

Alan D. Honaker, M.D., Shelbyville, KY, License # 15137

Agreed Order entered into 12/19/13.

Moises P. Langub, M.D., Middlesboro, KY, License # 17732

Agreed Order of Indefinite Restriction entered into
10/17/13.

Gregory J. Lee, M.D., Mt. Sterling, KY, License # 31397

Agreed Order of Surrender entered into 11/04/13.

Daniel A. Martelino, M.D., Portsmouth, OH, License # 33856

Agreed Order of Surrender entered into 12/19/13.

Troy M. Nelson, D.O., Paducah, KY, License # 02797

Agreed Order of Surrender entered into 10/17/13.

George O. Nobile, M.D., Louisville, KY, License # 28211

Order Terminating Second Amended Agreed Order of
Indefinite Restriction issued 12/03/13.

Gary C. Patton, M.D., Lexington, KY, License # 24639

Agreed Order of Indefinite Restriction entered into
11/21/13.

Charles D. Paulius, III, M.D., Gilbertsville, KY, License # 30602

Agreed Order of Indefinite Restriction entered into
12/23/13.

William R. Revelette, M.D., Lexington, KY, License # 31337

Agreed Order entered into 12/19/13.

Thomas A. Smith, M.D., Staffordsville, KY, License # 26421

Amended Agreed Order of Permanent Restriction
entered into 12/19/13.

Bruce J. Swearingen, M.D., Seattle, WA, License # 44223

Order of Permanent Restriction issued 12/23/13,
effective 01/30/14.

Chadward L. Thacker, M.D., Pikeville, KY, License # 38711

Order Terminating Amended Agreed Order of Indefinite
Restriction issued 11/13/13.

Jennifer E. Vice, PA-C, Richmond, KY, License # PA872

Amended Agreed Order entered into 12/16/13.

Mark S. Weis, M.D., Tucson, AZ, License # 28932

Agreed Order of Surrender entered into 12/19/13.

**Restrictions have also been placed on the following physi-
cians' licenses pending resolution of charges brought against
them:**

Briana L. Boyd, M.D., Betsy Layne, KY, License # 40671

Amended Complaint and Emergency Order of
Suspension issued 10/17/13, effective 10/21/13.

(Continued on page 3)

Jennifer G. Collins, M.D., Catlettsburg, KY, License # 26553

Complaint and Emergency Order of Suspension issued 10/23/13, effective 10/25/13.

Abubakar Atiq Durrani, M.D., Florence, KY, License # 39372

Emergency Order of Suspension issued 10/31/13, effective 11/04/13.

George Kudmani, M.D., Louisville, KY, License # 21041

Emergency Order of Suspension issued 12/12/13, effective 12/13/13.

Bradford A. Quatkemeyer, M.D., Ft. Mitchell, KY, License # 32259

Opinion and Order issued by the Jefferson Circuit Court on 11/18/13, Staying the Final Order affirming the Emergency Order of Suspension issued by the Hearing Officer on 10/15/13, and allowing Dr. Quatkemeyer to return to the practice of medicine, effective 11/18/13.

Eugene R. Trout, M.D., Louisa, KY, License # 27564

Complaint and Emergency Order of Restriction issued 10/10/13, effective 10/11/13.

Richard T. Wan, M.D., Morgantown, KY, License # 16599

Emergency Order of Suspension issued 11/22/13, effective 11/26/13.

Board Amends 201 KAR 9:016 – Restrictions on Use of Amphetamine and Amphetamine-like Anorectic Controlled Substances

The Board would like to advise all of its licensees that it recently completed revisions to its regulation addressing restrictions on the use of amphetamine and amphetamine-like anorectic controlled substances, 201 KAR 9:016. The revisions are complete and the changes in the regulation are currently in effect. The Board made the changes at the request of physicians practicing bariatric medicine and it appreciates their assistance with the revisions. All physicians who utilize these medications in their practice are encouraged to review the regulation, which can be found at the Board's website: www.kbml.ky.gov.

Requirement to Report Board Actions and Criminal Actions

In the Spring of 2013, the Board completed a massive overhaul of its regulations. One of the major changes the Board would like to highlight for its licensees is the requirements of 201 KAR 9:081 regarding reporting Board Actions and criminal convictions within 10 days. According to the regulation, every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board any criminal conviction or plea of guilt, nolo contendere, or Alford plea to any criminal charges, regardless of adjudication, within ten (10) days of the entry of judgment of conviction or the entry of the plea, entered into in any state. As part of this reporting, the licensee shall provide a copy of the judgment of conviction or plea documents.

In addition, the regulation requires that every person licensed to practice medicine or osteopathy within the Commonwealth of Kentucky shall report to the board within ten (10) days of receipt, notice of any disciplinary action taken or sanction imposed upon the person's license in any state, including surrendering a license or placing a license into inactive or retired status to resolve a pending licensing investigation. As part of this reporting requirement, the licensee shall provide a copy of the order issued by or entered into with the other licensing board.

Please note that failure to report a criminal conviction or plea, or action taken by another licensing board, as required of an applicant by paragraphs (a) through (c) of this subsection, shall constitute a violation of KRS 311.595(9) and (12). A copy of 201 KAR 9:081 can be reviewed at the Board's website.

Call for Family Practice and Internal Medicine Consultants

The Board is currently is seeking consultants practicing in Family Practice and Internal Medicine. The two primary requirements to serve as a Board consultant are an active medical practice and current board certification. As physicians throughout the state know, the role of the Board's consultants is vital to the core mission of the Board of public protection. Physicians who serve in this capacity for the Board provide a service not only to the public, but also to their fellow physicians. The Board would like to express its deep appreciation to all of its current consultants for their dedication and hard work.

If you are interested in assisting the Board in the capacity of an expert reviewer, please forward your curriculum vitae to the Board's office to the attention of Jennie Woods or via email at jennie.woods@ky.gov. Please note that Board consultants are currently reimbursed at a rate of \$75 per hour pursuant to state stipulations; however, the Board recently voted to take steps to increase the reimbursement.

KASPER Tips: Controlled Substance Prescribing Tips Part II

by Amanda J. Ward, PharmD, CGP,
Drug Enforcement and Professional Practices Branch
Kentucky Cabinet for Health and Family Services

The Drug Enforcement and Professional Practices Branch (DEPPB) is responsible for enforcing the Kentucky Controlled Substances Act (KRS 218A), the Kentucky Food, Drug and Cosmetic Act (KRS 217), and the operation of the KASPER program. The DEPPB would like to provide tips to all prescribers of controlled substances to assist you in your everyday practice:

1. **Spelling helps.** If you don't already, consider spelling out quantities and refills in addition to writing or circling the number on the prescription. This will help reduce chances that these fields can be altered by the patient prior to presenting the prescription to the pharmacy. Also, this will help pharmacists to quickly identify an altered prescription.
2. **Photo ID.** Consider requiring a copy of the patient's photo ID to be added to the patient chart. This will provide an additional source of verification of date of birth and address, as well as ensure that the patient you are treating is really who they say they are.
3. **Make copies of prescriptions for the chart.** To better assist you in record keeping and to assist in the case of an altered or forged prescription, consider making it your policy to make copies of all controlled substance prescriptions to keep in the patient's chart. If you use an Electronic Medical Record (EMR), your EMR should keep track of this by date-stamping and time-stamping prescriptions in the patient's chart. If you phone in the prescription, make sure to document that in the chart as well.
4. **Collaborate with your local pharmacists.** Consider reaching out to your local pharmacists to inform them of your typical prescribing habits. For example, no refills on benzodiazepines or only a one week supply of a pain medication after a surgical procedure. This will assist pharmacists in helping to identify fraudulent prescriptions that may be phoned in or presented to the pharmacy.
5. **Prescription blanks.** As a reminder, when prescribing a controlled substance while practicing in the Commonwealth of Kentucky, controlled substances must be written on secure prescription blanks. A secure prescription blank has many features that make it easy to identify possible altered prescriptions, such as a repeating "VOID" pattern appearing across the entire front of the prescription when copied, and a printed watermark on the back of the blank stating "Kentucky Security Prescription" that can be seen only at a 45° angle. Please refer to 902 KAR 55:105, 21 CFR §1306.05, and KRS 217.216 for more information, or call the DEPPB at the number below.

Remember DEPPB staff is available to help with any questions or problems you may encounter. For support please contact DEPPB staff at (502) 564-7985.

Reminder on Physician Self-Treatment or Treatment of Immediate Family Members

One of the common mistakes that physicians see with physicians has to do with their self-treatment or treatment of immediate family members. Due to this fact, the Board would like to remind all physicians that according to the American Medical Association's Code of Medical Ethics, physicians generally should not treat themselves or members of their immediate families. Professional objectivity may be compromised when an immediate family member or the physician is a patient; the physician's personal feelings may unduly influence his/her medical judgment, interfering with the care provided. When treating themselves or immediate family members, physicians may be included to treat problems that are beyond their expertise.

In emergency or isolated settings where there is no other qualified physician available, physicians should not hesitate to treat themselves or family members until another physician becomes available. However, it is important to note that it is not appropriate for physicians to write prescriptions for controlled substances for themselves or immediate family members.

According to Board Policy adopted on September 14, 2005, "Immediate Family" is defined as "husband or wife; natural or adoptive parent; child, or sibling; stepparent, stepchild, stepbrother or stepsister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; grandparent or grandchild; and spouse of a grandparent or grandchild."

Reminder About HB 1 CME and Symposium for Medical Professionals – Free Online HB1 CME

Just a reminder, according to 201 KAR 9:310, each physician licensed to practice medicine or osteopathy within Kentucky who is authorized to prescribe or dispense controlled substances within the Commonwealth from July 2012 through the end of the 3 year cycle beginning on January 1, 2012 and ending on December 31, 2014 shall complete at least 4.5 hours of approved Category I Credit continuing medical education hours relating to the use of KASPER, pain management, addiction disorders or a combination of two or more of those subjects on or before December 31, 2014. A licensee may satisfy this requirement by completing a single approved program of 4.5 hours or longer or by completing multiple approved programs for a total of 4.5 hours or longer for this cycle. The Board's website has a listing of CME events that are approved for this requirement.

Last year, Operation Unite, the Appalachian Regional Commission, and the Kentucky Office of Drug Control Policy sponsored a series of trainings throughout Kentucky that focused on prescribing controlled substances for pain, identifying addiction in patients, and use of the state's KASPER system. The Board is pleased to announce that this training has been videotaped and is available for medical professionals throughout the state via the University of Kentucky CECentral website, <http://www.cecentral.com>. This educational opportunity is **free** to all medical professionals and is approved by the Board as meeting the mandatory continuing medical educational requirements of HB 1.

Renewal of Medical License For 2014

The 2014 annual renewal notice was mailed to physicians on December 20, 2013. State regulation requires all physicians currently practicing in the state to renew their license by March 1, 2014 and pay the \$150.00 registration fee in order to keep their license active. Renewals paid after March 1, 2014 but prior to the April 1, 2014 deadline, may be made by paying an additional \$50.00 penalty fee. Failure to renew your license by the April 1, 2014 deadline will cause your license to automatically become inactive and subsequent practice in Kentucky will be considered the unauthorized practice of medicine or osteopathy.

To renew your Kentucky medical/osteopathic license, please go to the Board's website, www.kbml.ky.gov, choose the physician renewal tab, click on the renewal link and log in using your Kentucky license number as your username and the last four digits of your social security number as your password. There is also a paper application on the website should you choose to renew your license by paper. There is an additional \$10.00 charge if you renew by paper application.

If you have any questions regarding your renewal or require assistance, please contact the Board at (502) 429-7150, press 0 when the recording starts. The office is open 8:00 am to 4:30 pm EST, Monday through Friday.

Retirement of Board Investigator

The Board would to announce the retirement of one of its investigators, Betty Prater. The Board offers its appreciation to Ms. Prater for her many years of hard work and dedication to the citizens of the Commonwealth. The Board is also pleased to announce the hiring of Mr. John Lewis to serve as Ms. Prater's replacement. Mr. Lewis is responsible for the Metro Louisville area. He comes to the Board from Metro Louisville Police Department where he was a detective handling cases ranging from narcotics to internal affairs.

Meeting Dates For 2014

The meeting dates are available on the website for all Board, Panel and Allied Health meetings for 2014. To view these dates, please visit <http://kbml.ky.gov/board/Pages/Meeting-Dates.aspx>.

Launch of New KBML website

In October 2013, the Board launched a new website. The web address continues to be www.kbml.ky.gov. This new site is now compatible with all mobile devices and can be bookmarked on mobile device homepages.

Kentucky Board of Medical Licensure
310 Whittington Pkwy., #1B
Louisville, KY 40222

Change of Address Notice

Please Note: The information that you provide on this Change of Address Notice will be used to update your profile on the Board's web site at www.kbml.ky.gov.

You may also change your address online <http://kbml.ky.gov/address/Pages/default.aspx>

(Please Print or Type Information)

Date: _____ KY License Number: _____

Name: _____
(Last) (First) (Middle)

Mailing Address: _____
(Street)

(City) (State) (Zip)

Practice Address: _____
(Street)

(City) (State) (Zip)

Practice County: _____

Office Phone Number: _____

Email Address: _____
(Email address is not published)